



UNITED STATES PATENT AND TRADEMARK OFFICE

FEB | 2005

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

In re Application of:
Kordowicz et al.
Serial No.: 10/009,500
Filed: December 11, 2001
Attorney Docket No.: MERCK 2332

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR § 1.181(a) filed on January 4, 2005, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the non-final Office action of April 21, 2004.

A review of the file history shows that the examiner mailed a non-final Office action to applicants on April 21, 2004, setting a three-month statutory time period for reply. On December 1, 2004, the examiner mailed a notice of abandonment for failure respond to the outstanding Office action.

Applicants state that a response to the April 21, 2004 Office action was timely filed on August 23, 2004 along with a one-month extension of time, Exhibit 1 and a check in the amount of \$146.00 as evidenced by a copy of the date-stamped receipt card. In view of this evidence, applicants are considered to have submitted a timely reply.

Applicants' petition is **GRANTED** retroactively as this application is no longer in abandoned status. The application will be forwarded to the examiner for consideration of the response of April 21, 2004.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Bruce Kisliuk
Director, Technology Center 1600